

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 3, 2015/2016

### UIC2612 – ISLAMIC CONSTITUTIONAL LAW (All Sections / Groups)

31 May 2016

Reading Time : 9.00 a.m. – 9.15 a.m.  
(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.  
(3 Hours)

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#### INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of **THREE (3)** pages with **FIVE (5)** Questions only.
3. Attempt **FOUR** out of **FIVE** questions **ONLY**. Question One (1) is **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of Translation of Al-Quran.
5. Please write all your answers in the Answer Booklet provided.

**Question 1 (COMPULSORY)**

Sultan Azam was a Muslim king in Dar al-Aman, an Islamic state. The Constitution of Dar al-Aman provides that the state shall implement Islamic law in all its dealings. The *de jure* and *de facto* sovereignty of the state shall rest at all time to Allah. The state shall be ruled by a Sultan who is elected and whose power is vested by the Shura Council, a council formed by 36 representatives chosen by the citizens of Dar al-Aman.

Sultan Azam has 2 sons, Tengku Alim, who was a graduate of Harvard University in Political Science and Tengku Amal, a humble prince who was adored by the people. Both princes were pious and intelligent, save that Tengku Alim was not popular to the people.

One day, Sultan Azam had a stroke attack and fell into coma. The doctor had certified that the Sultan had a very slim chance to recover. The Shura Council eventually convened a meeting to elect a new Sultan. 19 members of the Shura Council voted in favour of Tengku Alim as the new Sultan and they sworn their allegiance to him.

The royal family disagreed with the appointment as they claimed that the Sultan was still alive. They also claimed that Sultan had once expressed his wish to nominate Tengku Amal as his successor. The royal family together with 6 senior members of the Shura Council had brought a claim to the Constitutional Court of Dar al-Aman to challenge the appointment of Tengku Alim on the ground that the appointment was ultra-vires the Islamic law and the Constitution of Dar al-Aman.

As a judge who presides over the case, critically decide on the appointment of Tengku Alim in the light of Islamic constitutional law.

(Total 25 Marks)

**Question 2**

*"The first Islamic state established in Medina was not simply a state of Muslims; it had many Jews, and many non-Muslim Arabs...These non-Muslims have a guaranteed right to their religious conviction, to profess and defend their own convictions, and even to criticize Islam and engage in a dialogue with Muslims. Non-Muslims also have the right to regulate their private life, education, and family life by adopting their own family laws. If there is any rule in the shari'ah which they think religiously incompatible, they can be absolved from it."*

Quoted from Hassan Turabi in *Principles of Governance, Freedom, and Responsibility in Islam*.

- 1) Based on the above, to what extent a non-Muslim citizen of an Islamic State is entitled to exercise equal right to political participation and leadership, equality before the law, and equal autonomy in the economic, social and culture.

(15 marks)

**Continued .....**

2) With evidence from relevant provisions of the *Sahifah al-Madinah*, explain the following:

- (a) Freedom of religion
- (b) Economic justice
- (c) Administration of justice system
- (d) Internal affairs and policy

(10 marks)

**(Total 25 marks)**

### **Question 3**

In his inaugural speech, Caliph Abu Bakr had addressed:

*“O people, I swear by Allah that I never coveted the caliphate either by day or by night, nor had I any inclination towards it. I never prayed to God openly or in secrecy to confer the office on me. I merely accepted this office lest some mischief might arise at this critical juncture in the history of the Muslims and thereby adversely affect the interests of Islam. In fact a big task has been assigned to me which is beyond my power to fulfil except with the help of the Almighty Allah and your whole hearted cooperation. I wished to see the strongest of men in my place this day. Now, it is beyond doubt that I have been elected your Amir, although I am not better than you. Help me, if I am in the right; set me right if I am in the wrong. Truth is a trust; falsehood is a treason. The weak among you will be strong with me till, God willing, his rights have been vindicated; and the strong among you shall be weak with me till, if the Lord wills, I have taken what is due from him. Obey me as long as I obey Allah and His Prophet, when I disobey Him and His Prophet, then obey me not. And now rise for prayers; may God have mercy on you.”*

Based on this quotation:

- 1) Elaborate on the duties and rights of a Head of Islamic state as enshrined under Islamic constitutional law.
- 2) Explain the obligation of a citizen to obey the Head of Islamic state and limitation imposed on it.

(15 marks)

(10 marks)

**(Total 25 marks)**

**Continued .....**

**Question 4**

- 1) According to Montgomery Watt:

*“This document, the Constitution of Madinah, may be taken to show that the people of Madinah were now regarded as constituting a political unit of a new type, an Ummah or community. In some ways it was like a federation of nomadic clans or tribes. It was bound together by their solemn agreement with one another.”*

Based on the view, critically discuss whether Islamic state is meant exclusively for the Muslims in view of the characteristic of *ummah*.

(15 marks)

- 2) Briefly discuss on the freedom of expression accorded to all citizens of an Islamic state and the limitation imposed on the freedom.

(10 marks)

**(Total 25 marks)**

**Question 5**

- 1) The ISIS movement has evolved into an organised and structured extremist organisation that is in the process of consolidating its power as a government which they claimed to be the Islamic Caliphate. The ISIS controlled areas are managed by a hierarchy of governance structures that manage the day to day life of residents, collect income, maintain law and order and enforces its ideology of Islamic Extremism. The movement is obviously against the true nature and character of an Islamic state.

In order to refute the extremist view on Islamic state, discuss on the concept of Islamic constitution and its main characteristics. Support your answer with relevant authorities.

(15 marks)

- 2) Are there any similarities between an Islamic state and a democratic state? Support your answer with relevant authorities and highlight the differences between the two models of states.

(10 marks)

**(Total 25 marks)**

**End of Page**